

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of Application MT-23 )  
for a Municipal and Rural Domestic )  
Ground Water Transfers Permit for )  
the City of Louisville, Nebraska. )

ORDER GRANTING PERMIT

This matter came on for consideration before the Director of the Department of Natural Resources (Department) pursuant to Neb. Rev. Stat. §§ 46-638 to 46-650 (Reissue 2004).

The Department has reviewed Application MT-23, an application for a permit under the provisions of the Municipal and Rural Domestic Ground Water Transfers Permit Act, and determined that the withdrawal and transportation of ground water meets all necessary requirements and that a permit may be granted pursuant to Neb. Rev. Stat. § 46-642 (Reissue 2004).

It is therefore ORDERED that MT-23 is APPROVED with the following conditions:

1. As required by Neb. Rev. Stat. § 46-642(1) (Reissue 2004), the priority date shall be May 17, 2006.
2. The total rate of withdrawal from the City of Louisville's one existing public water supply well and two proposed public water supply wells shall not exceed 1,300 gallons per minute maximum, nor shall the maximum rate of withdrawal exceed 750,000 gallons per day. The average daily withdrawal from the three water wells shall not exceed 400,000 gallons nor shall the total annual quantity withdrawn exceed 200,000,000 gallons.
3. Ground water may be withdrawn and transferred from the existing public water supply well identified as G-027356 and located in the SE¼SE¼ of Section 15, Township 12 North, Range 11 East of the 6<sup>th</sup> P.M.; and from two proposed public water supply wells to be constructed in the NE¼SE¼ of Section 15, Township 12 North, Range 11 East of the 6<sup>th</sup> P.M. in Cass County, Nebraska. The water shall be used for domestic, fire suppression, and all other beneficial municipal purposes for the City of Louisville.
4. Because approval of the withdrawals requested under permit MT-23 is based in part on population estimates provided by the City of Louisville, the Department expects that actual water use will be maintained at current per-capita rates or lower. Consequently, the City of Louisville should develop and implement best management practices to ensure that the City maintains water use at less than or equal to the current per capita rate.

5. For one year from the date of this Order, the City of Louisville is hereby granted statutory spacing protection (1,000 feet) for any test holes or wells under construction at the proposed wellsite. This would affect the lands described as follows:

Township 12 North, Range 11 East, Cass County

Section 14: NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 15: N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$

6. The City of Louisville shall properly register any new water wells constructed for the purpose of withdrawal of ground water under permit MT-23, pursuant to the requirements of Neb. Rev. Stat. § 46-602(1) (Reissue 2004).
7. This permit shall be valid for five years after the Order date and as long thereafter as the water for which the permit is granted is placed to beneficial use. If it shall appear that the City of Louisville has not used water for beneficial purposes and in accordance with the terms of this permit for more than three years, the permit may be revoked or modified by the Director pursuant to Neb. Rev. Stat. § 46-644 (Reissue 2004). The procedure for such revocation or modification is provided for in Neb. Rev. Stat. § 46-229.02 to 46-229.04 (Cum. Supp. 2006) and § 46-229.05 (Reissue 2004).
8. All wells shall have flow meters installed, and, by January 31 of each year, the City of Louisville shall file in the office of the Department a completed "Public Water Supplier Ground Water Well Report" on a form provided by the Department.
9. The City of Louisville shall comply with all rules and regulations of the Lower Platte South Natural Resources District, and such future allocations or other controls required to comply with any interstate or other cooperative agreements.
10. Failure to meet any conditions of this Approval may cause modification or revocation of the permit pursuant to Neb. Rev. Stat. § 46-644 (Reissue 2004).

DEPARTMENT OF NATURAL RESOURCES

September 29, 2006

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Ann Bleed, Acting Director

A copy of this Order granting Permit MT-23 was provided on September \_\_\_\_, 2006, to the Department's field office in Lincoln, Nebraska, and mailed to the following:

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